

### **Remarks**

Applicant has reviewed the Office Action dated as mailed November 25, 2008 and the documents cited therewith. After the above amendments have been made, the present application contains claims 1, 2, 5-16, 20-21, 40-46, and 47-56. Claims 1, 2, 5-21 and 40-46 have been amended. New claims 47-56 have been added.

### **Statement of the Substance of the Interview**

Applicant's attorney wishes to thank the examiner for granting the interview on February 20, 2009 to discuss the proposed amendments to the claims in light of the cited documents of record in the present application. The reasons presented during the interview why the claims as amended are patentably distinguishable over the cited documents and warrant favorable action are discussed herein to provide a complete written statement as to the substance of the telephone interview pursuant to 37 C.F.R. §1.133 and MPEP §713.04. No exhibits were shown or demonstrations conducted. Claims 1, 6, and 51-52 were discussed. The prior art discussed was Brandenburg et al. (U.S. Pub. No. 2003/0063072) and Erb et al. (U.S. Pub. No. 2004/0142703). The principal proposed amendments and arguments are as presented herein. The general outcome of the interview are described in the Interview Summary Form completed by the examiner and indicates that the amendment "independent of a location" in claim 1 and the other independent claims overcomes the cited portions of Brandenburg as modified by Erb.

### **Claim Rejections under 35 U.S.C. §103**

Claims 1, 5, 10, 16, 40, and 43 were rejected under 35 U.S.C. §103(a) as being obvious over Brandenburg et al. (U.S. Patent Pub. 2003/0063072) and in view of Erb et al. (U.S. Patent Pub. 2004/0142703). This rejection is respectfully traversed. Claim 1 has been amended to recite:

“determining at least one of whether the interrupting contact has an interrupt priority ranking higher than, or at least as high as, an interrupt priority ranking of each of the at least two contacts participating in the ongoing instant messaging conversation and whether an interrupting conversation has a higher priority compared to the ongoing instant messaging conversation; and

interrupting the ongoing instant messaging conversation in response to a predetermined one of the interrupt priority ranking of the interrupting contact

being higher than, or at least as high as, the interrupt priority ranking of each of the at least two contacts participating in the ongoing instant messaging conversation and the interrupting conversation having a higher interrupt priority ranking compared to the interrupt priority ranking of the ongoing instant messaging conversation and independent of a location of the communications device being used by each of the at least two contacts.”

The Office Action on page 6 admits that Brandenburg fails to teach these features of the embodiment as recited in amended claim 1. Paragraph [0026] of Erb was cited for teaching the deficiencies of Brandenburg. Applicant respectfully submits that Erb also fails to teach the features of the embodiment of the present invention as recited in amended claim 1. Paragraph [0026] of Erb recites:

“[0026] The present invention relates to a system and method of controlling the delivery of an incoming call directed to a wireless communication device. When an incoming call directed to a wireless communication device is received, the location of the wireless communication device to which the incoming call is destined is determined. If the wireless communication device is not within a designated zone, the incoming call is directed to the wireless communication device. If the wireless communication device is in a designated zone, the incoming call is handled based on specified criteria. In this manner, important meetings are not interrupted by incoming calls to wireless communication devices unless the incoming calls take priority over the meetings...” (emphasis added)

Additionally, Erb in paragraph [0031] recites:

“[0031] The telephone system 20 is also programmed with redirection zones within one or both of the floors. The redirecting zones correspond with designated areas or zones on the floor such as for example, meeting and/or conference rooms where it is desired to control delivery of incoming calls to wireless communication devices carried by individuals in the designated areas...”

Accordingly, Erb determines whether to direct an incoming call to a wireless communication device based on a location of the device in a building, for example if the communication device is in a meeting room. Erb does not teach or suggest determining the interrupt priority ranking of contacts engaged in an instant messaging conversation or a priority ranking of the ongoing instant messaging conversation and interrupting a instant messaging conversation based on this determination as provided by the embodiment of the present invention in amended claim 1. Erb

clearly teaches designating redirecting zones within floors of a building where an incoming call directed to a wireless communication device within one of the redirection zones, such as a meeting or conference room where the user of the communication device may be located when the call comes in, the call will be directed so as to not interrupt the user of the communication device within the meeting. Erb does not teach or suggest that the priority of the meeting is determined but only that the location of the communication device receiving the incoming call is located within the meeting room.

Claim 1 has also been amended to make it clear that interrupting the ongoing instant messaging conversation is independent of a location of the communications device being used by each of the at least two contacts to further distinguish over Erb and Brandenburg. For all of the reasons discussed above, Applicant respectfully submits that claim 1 as amended is patentably distinguishable over Brandenburg and Erb, and reconsideration and withdrawal of the 35 U.S.C. §103 rejection of claim 1 is respectfully requested.

With regard to the rejection of claims 5 and 10 under 35 U.S.C. §103(a) as being obvious over Brandenburg and in further view of Erb, these claims recite additional features which further patentably distinguish over Brandenburg and Erb. Additionally, claims 5 and 10 depend directly from independent claim 1, and by virtue of that dependency, include all of the features of independent claim 1. Therefore, claims 5 and 10 are also respectfully submitted to be patentably distinguishable over Brandenburg and Erb for the same reasons as discussed with respect to claim 1. Reconsideration and withdrawal of the §103 rejection of claims 5 and 10 is respectfully solicited.

Turning now to the rejection of independent claims 16 and 40 under 35 U.S.C. §103(a) as being obvious over Brandenburg in view of Erb, these claims have been amended to recite similar features to independent claim 1. Therefore, claims 16 and 40 are respectfully submitted to be patentably distinguishable over Brandenburg and Erb for the same reasons as discussed with respect to claim 1. Reconsideration and withdrawal of the §103 rejection of independent claims 16 and 40 is respectfully solicited.

Regarding the rejection of claim 43 under 35 U.S.C. §103(a) as being obvious over Brandenburg and in further view of Erb, claim 43 depends directly from independent claim 40.

Because of this dependency, claim 43 includes all of the features of independent claim 40. Therefore, claim 43 is submitted to be patentable over Brandenburg and Erb for the same reasons as discussed above, and reconsideration and withdrawal of the §103 rejection of claim 43 is respectfully requested.

Claim 2 was rejected under 35 U.S.C. §103(a) as being obvious over Brandenburg in further view of Erb and in further view of Kirkland et al. (U.S. Patent Pub. 2005/0149622). This rejection is respectfully traversed. Claim 2 recites:

“selecting a precedence between interrupting the instant messaging conversation based on the interrupt priority ranking of the interrupting contact relative to the interrupt priority ranking of each of the at least two contacts and the interrupt priority ranking of the interrupting conversation relative to the interrupt priority ranking of the instant messaging conversation.”

Applicant respectfully submits that there is no teaching or suggestion in Brandenburg, Erb, and Kirkland of the features of claim 2. The Office Action on page 7 admits that Brandenburg and Erb fail to teach the features of claim 2. Paragraph [0052] of Kirkland was cited for this deficiency. Applicant respectfully submits that paragraph [0052] of Kirkland merely teaches delaying the delivery of messages having a priority level below a certain threshold and to maintain a database of delayed messages, or alternately to append the delayed messages to their appropriate queues. Applicant respectfully submits that Kirkland also does not teach or suggest selecting between the two criteria of interrupting an instant messaging conversation as provided by the embodiment of the present invention in claim 2.

Additionally, claim 2 depends directly from independent claim 1. Because of this dependency, claim 2 includes all of the features of independent claim 1. Applicant respectfully submits that Kirkland adds nothing to the teachings of Brandenburg and Erb so as to render independent claim 1 unpatentable. Therefore, for all of the reasons discussed, claim 2 is respectfully submitted to be patentably distinguishable over Brandenburg, Erb and Kirkland, whether considered individually or combined, and reconsideration and withdrawal of the §103 rejection of claim 2 is respectfully requested.

Claims 6 – 7 and 20 were rejected under 35 U.S.C. §103(a) as being obvious over Brandenburg and further in view of Erb and in further view of Brewer (U.S. Patent 5,611,040).

Claims 6 and 7 depend directly from independent claim 1 and claim 20 depends directly from independent claim 16. Because of these dependencies, claims 6 and 7 include all of the features of independent claim 1 and claim 20 includes all of the features of independent claim 16. Brewer was cited for disclosing a system and method for activating double-click applications with a single click comprising placing a window in the foreground and taking control of the mouse and keyboard. Applicant respectfully submits that Brewer adds nothing to the teachings of Brandenburg and Erb so as to render independent claims 1 and 16 unpatentable. Therefore, claims 6, 7, and 20 are respectfully submitted to be patentably distinguishable over these documents and reconsideration and withdrawal of the 35 U.S.C. §103 rejection of claims 6, 7, and 20 is respectfully solicited.

Claims 8 and 21 were rejected under 35 U.S.C. §103(a) as being obvious over Brandenburg in further view of Erb and in further view of Asokan (U.S. Patent Pub. 2005/0220079). This rejection is respectfully traversed. Claim 8 recites:

“sending an interrupt notification to any of the at least two contacts of the instant messaging conversation not contacted by the interrupting contact in response to interrupting the instant messaging conversation.”

Claim 21 recites similar features. The Office Action on page 11 admits that Brandenburg and Erb fail to disclose the features of claims 8 and 21 as recited above. Asokan was cited as teaching the deficiencies of Brandenburg and Erb with reference to paragraph [0038] of Asokan. Applicant respectfully disagrees that Asokan teaches the features of claims 8 and 21 as recited above. Paragraph [0038] of Asokan recites:

“[0038] In some embodiments of the present invention, the packet-switched session may be a push-to-talk session that has been initiated by a user of the GSM/GPRS wireless terminal and that was established by a push-to-talk server. In response to receiving a circuit-switched page, the wireless terminal via, for example, a push-to-talk application that is running on the terminal, notifies the push-to-talk server that the push-to-talk session is to be temporarily suspended. This notification may be forwarded, for example, as either a text message or an e-mail message that is transmitted over SMS data bearer. The message may include, for example, an identifier associated with the cellular telephone (e.g., a push-to-talk client ID), identification of

the reason the push-to-talk session is being suspended, the expected interval of the suspension, etc. If other participants in the push-to-talk session attempt to communicate with the wireless terminal over the push-to-talk session during the period when the wireless terminal has suspended the session, the push-to-talk server may notify those participants that the wireless terminal is temporarily unavailable...”

Accordingly, Asokan teaches sending a message that a push-to-talk session is temporarily suspended or unavailable. Applicant respectfully submits that sending an interrupt notification to any of the at least two contacts of an instant messaging conversation not contacted by the interrupting contact in response to interrupting the instant messaging conversation is patentably distinguishable from the notification that a push-to-talk session is temporarily suspended or unavailable as taught by Asokan. Additionally, claim 8 depends directly from independent claim 1 and claim 21 depends directly from independent claim 16. Applicant respectfully submits that Asokan adds nothing to the teachings of Brandenburg and Erb so as to render independent claims 1 and 16 unpatentable as previously discussed. For all of these reasons, dependent claims 8 and 21 are respectfully submitted to be patentably distinguishable over the documents of record, and reconsideration and withdrawal of the Section 103 rejection of claims 8 and 21 is respectfully requested.

Claim 9 was rejected under 35 U.S.C. §103(a) as being obvious over Brandenburg in view of Erb and in further view of Balasuriya et al. (U.S. Patent Pub. 2005/0245240). This rejection is respectfully traversed. Claim 9 recites “resuming the instant messaging conversation in response to the interrupting conversation being completed.” The Office Action on page 13 admits that Brandenburg and Erb fail to disclose the features of claim 9. Paragraph [0013] of Balasuriya was cited for teaching this deficiency. Paragraph [0013] of Balasuriya recites:

“The disclosure provides an apparatus for and method of storing subsequent streaming media in a memory associated with a wireless communication device in response to receiving a communication request. For example, the disclosure provides for selectively storing at least one media of a multicast or unicast session in a local memory of a wireless communication device when a media streaming session is interrupted by an event, such as an incoming call. A user of the wireless communication device

can resume playing the session from the local memory when interruption ends.”

Accordingly, Balasuriya teaches recording a streaming multicast or unicast session which can be played to the user after the interrupting event ends. Applicant respectfully submits that resuming an instant messaging conversation in response to the interrupting conversation being completed is patentably distinguishable from recording a streaming multicast or unicast session and then replaying the recorded session as taught by Balasuriya. Additionally, claim 9 depends directly from independent claim 1, and by virtue of that dependency, includes all of the features of independent claim 1. Applicant respectfully submits that Balasuriya adds nothing to the teachings of Brandenburg and Erb to render independent claim 1 unpatentable as previously discussed. For all of these reasons, claim 9 is submitted to be patentably distinguishable over Brandenburg, Erb, and Balasuriya, and reconsideration and withdrawal of the Section 103 rejection of claim 9 is respectfully solicited.

Claims 11 and 12 were rejected under 35 U.S.C. §103(a) as being obvious over Brandenburg in view of Erb and in further view of Horvitz et al. (U.S. Patent Pub. 2005/084082; hereinafter Horvitz I). This rejection is respectfully traversed. Claim 11 depends directly from independent claim 1 and claim 12 depends directly from claim 11. Because of these dependencies, claims 11 and 12 include all of the features of independent claim 1. Applicant respectfully submits that Horvitz I adds nothing to the teachings of Brandenburg and Erb so as to render independent claim 1 unpatentable. Therefore, claims 11-12 are also submitted to be patentably distinguishable over Brandenburg, Erb and Horvitz I. Reconsideration and withdrawal of the 35 U.S.C. § 103 rejection of claims 11-12 is respectfully requested.

Claims 13 – 14 were rejected under 35 U.S.C. §103(a) as being obvious over Brandenburg in further view of Erb and in further view of Savage et al. (U.S. Patent Pub. 2001/0009014). This rejection is respectfully traversed. Claim 13 recites:

“assigning an interrupt priority ranking to all contacts in an instant messaging contacts list in a user’s communications device.”

And claim 14 recites:

“wherein assigning an interrupt priority ranking comprises one of assigning the interrupt priority ranking by placing all contacts in a predetermined order in the contact list or auxiliary contact list on the user’s communications device and by assigning a contact priority number to each contact in the contact list.”

The Office Action on page 17 admits that Brandenburg and Erb fail to disclose a system or method for managing interruptions to network users where an interrupt ranking is assigned to all users or ranking is performed by a predetermined order. Savage was cited for disclosing facilitating real-time, multi-point communications over the internet wherein a scheduler keeps track of and maintains the priority of each participant in each conference citing paragraph [0102] of Savage. Applicant respectfully submits that neither Savage nor the other documents of record teach or suggest the features of claims 13 and 14 as recited above. Additionally, claim 13 depends directly from independent claim 1 and claim 14 depends from claim 13. As a result of these dependencies, claims 13 and 14 include all of the features of independent claim 1. Applicant respectfully submits that Savage adds nothing to the teachings of Brandenburg and Erb so as to render independent claim 1 unpatentable. Accordingly, for all of the reasons discussed above, claims 13 and 14 are submitted to be patentably distinct over the documents of record, and reconsideration and withdrawal of the Section 103 rejection of claims 13 and 14 is respectfully solicited.

Claim 15 was rejected under 35 U.S.C. §103(a) as being obvious over Brandenburg in further view of Erb and in further view of Suorsa et al. (U.S. Patent Pub. 2002/015683). This rejection is respectfully traversed. The Office Action on page 18 admits that Brandenburg and Erb fail to teach the features recited in claim 15. Suorsa was cited for disclosing automated provisioning of computing networks using a network database data model wherein Lightweight Directory Access Protocol (LDAP) verifies the access level of an agent. Claim 15 depends directly from independent claim 1, and because of that dependency, includes all of the features of independent claim 1. Suorsa adds nothing to the teachings of Brandenburg and Erb or the other documents of record so as to render independent claim 1 unpatentable. Therefore, claim 15 is submitted to be patentably distinct over Brandenburg, Erb and Suorsa as well as the other



documents of record, and reconsideration and withdrawal of the Section 103 rejection of claim 15 is respectfully requested.

Claims 41 and 42 were rejected under 35 U.S.C. §103(a) as being obvious over Brandenburg in further view of Erb in further view of Vaara (U.S. Patent No. 6,400,951) and in further view of Padawer et al. (U.S. Patent Pub. 2002/0052196). This rejection is respectfully traversed. Claim 41 recites:

“dividing the contacts list into a primary contacts list and a normal contacts list, wherein the primary contacts list permits a user to specify the interrupt priority ranking for selected contacts by listing contacts in an order according to their respective interrupt priority order and wherein the normal contacts lists contacts alphabetically.”

The Office Action admits on page 19 that Brandenburg as modified Erb fails to teach the features of claim 41. Column 5, lines 42-56 of Vaara was cited for this deficiency along with Padawer for teaching merging various request methods into a single unified user interface comprising an alphabetical contact list. Column 5, lines 42-56 of Vaara recite:

“The invention is based on the idea that the base station selection is performed on the basis of the special cell list composed for the mobile station. When the base station controller directs the selection of the base station, the special cell list of the mobile station subscriber is transmitted to the base station controller during call setup and, if necessary, during handover execution either from the mobile station or from the mobile services switching center. The system attempts to direct the mobile station to its special service area in call setups and handovers. By using the special cell list it is possible to divide the cells of the network into special cells from the view-point of a single mobile station, for example, into priority cells and common cells. In call setup the mobile station is assigned a traffic channel from the base station of a cell defined as a priority cell for the mobile station when the mobile station is located in the area of such a priority cell. The base station of a cell defined as a priority cell for the mobile station is selected as a target cell for handover when the signal of the base station of such a priority cell is suitable for the handover. In an embodiment of the invention, a handover criterion is set which the signal of the base station of the cell defined as a priority cell in the priority cell list must meet in order for the handover from a common cell of the network to the priority cell of the mobile station to be performed.”

Accordingly Vaara teaches base station selection in a cellular network based on a special cell list composed for a mobile station or cellular telephone, wherein the cell is a geographic location where the mobile station is operating. Vaara has nothing to do with the present invention and

does not teach or suggest the features of claim 41 as recited above. As previously discussed, Padawer according to the Office Action merely teaches merging various request methods into a single unified user interface comprising an alphabetical contact list. Accordingly, Applicant respectfully submits that none of the documents of record teach or suggest the features of the embodiment of the present invention as recited in claim 41.

Additionally, claim 41 depends directly from independent claim 40. Applicant respectfully submits that Vaara and Padawer add nothing to the teachings of Brandenburg and Erb so as to render independent claim 40 upatentable. For all of these reasons, claim 41 is submitted to be patentable over the documents of record, and reconsideration and withdrawal of the Section 103 rejection of claim 41 is respectfully solicited.

With respect to claim 42, claim 42 depends from claim 41 which depends from claim 4. As just discussed, claims 41 and 40 are patentably distinct over the cited documents. Accordingly, claim 42 is respectfully submitted to be patentable over these documents for the same reasons as discussed with respect to claims 40 and 41, and reconsideration and withdrawal of the Section 103 rejection of claim 42 is respectfully requested.

Claims 44 and 46 were rejected under 35 U.S.C. §103(a) as being obvious over Brandenburg in further view of Erb and in further view of Horvitz et al. (U.S. Patent Pub. 2005/0132014; hereinafter Horvitz II). This rejection is respectfully traversed. Claims 44 and 46 each depend directly from independent claim 40. As a result of this dependency, claims 44 and 46 include all of the features of claim 40. Applicant respectfully submits that Horvitz II adds nothing to the teachings of Brandenburg and Erb so as to render independent claim 40 unpatentable. Accordingly, claims 44 and 46 are submitted to be patentable over the cited documents for the same reasons as discussed with respect to claim 40. Reconsideration and withdrawal of the Section 103 rejection of claims 44 and 46 is respectfully solicited.

Claim 45 was rejected under 35 U.S.C. §103(a) as being unpatentable over Brandenburg in view of Erb and in further view of Horvitz II and in further view of Dugad et al. (U.S. Patent Pub. 2004/0127226). This rejection is respectfully traversed. Claim 45 recites "assigning a numerical value to each contact that specifies the interrupt priority ranking of each contact".

Figure 23 of Dugad was cited in the Office Action in rejecting claim 45. Paragraph [0131] of Dugad describes Figure 23. Paragraph [0130] of Dugad recites:

“[0131] Table 2300 shown in FIG. 23 is suitable for use as a mapping table when forming uplink assignment requests at the WT and interpreting such requests at the BS. The array  $thre$  is given by  $thre=[1, 2, 3, 4, 8, 16, 25, 65]$ . In this example, each transmitted request includes 5 bits. Each transmitted request listed in the first column 2301 reports information about one stream priority which is listed the second column 2302. This mapping table 2300 is used to implement quantization in the WT and to perform dequantization, e.g., decoding, in the BS. The third column 2304 labeled "n at MS" lists the range of the number of frames (n) at that priority for the WT to make the request listed in column 2301 of the corresponding row. The "n at BS" column 2306 shows how the BS will interpret the 5 bit request listed in column 2401. Thus, if the WT has 20 frames of priority 3, and no other traffic, it will request  $R0=29$ . The BS will interpret this to mean 16 ( $=thre[5]$ ) frames of priority 3. Thus, the actual value of 20 frames is quantized to 16 frames when the table 2300 is used.”

From this recitation from Dugad, Applicant respectfully submits that Dugad does not teach or suggest the features of claim 45. Additionally, claim 45 depends from claim 44 which depends directly from independent claim 40. Applicant respectfully submits that Dugad adds nothing to the teachings of Brandenburg, Erb and Horvitz II so as to render claims 44 and 40 unpatentable. For all of these reasons, claim 45 is submitted to be patentable over the cited documents, and reconsideration and withdrawal of the Section 103 rejection of claim 45 is respectfully requested.

With regard to new claims 47 – 56, independent claims 47 and 52 recite similar features to independent claim 1. Claims 48 – 51 depend directly from independent claim 47 and claims 53 – 56 depend directly from independent claim 52. Because of this dependency, these claims include all of the features of the referenced independent claim. Applicant respectfully submits that claims 47 – 56 distinguish over the documents of record and allowance of claims 47 – 56 is respectfully solicited.

Conclusion

For the foregoing reasons, the Applicant respectfully submits that all of the claims in the present application are in condition for allowance. Reconsideration and withdrawal of the rejections and allowance of the claims at the earliest possible date are respectfully requested.

If the Examiner has any questions about the present Amendment or anticipates finally rejecting any claim of the present application, a telephone interview is requested.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 09-0461.

Respectfully submitted,

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